

**JOINT RESOLUTION ON TERM OF APPOINTED
LIEUTENANT GOVERNOR**

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: _____

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify a provision relating to the term of office of the Lieutenant Governor following an appointment to that office.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to modify the term of an appointed Lieutenant Governor to be consistent with the term of Governor.

Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2015, for this proposal.

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VII, SECTION 10

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

Section 1. It is proposed to amend Utah Constitution, Article VII, Section 10, to read:

Article VII, Section 10. [Governor's appointive power -- Governor to appoint to



28 **fill vacancy in other state offices -- Vacancy in the office of the Lieutenant Governor.]**

29 (1) (a) The Governor shall nominate, and by and with consent of the Senate, appoint all
30 State and district officers whose offices are established by this Constitution, or which may be
31 created by law, and whose appointment or election is not otherwise provided for.

32 (b) If, during the recess of the Senate, a vacancy occurs in any State or district office,
33 the Governor shall appoint some qualified person to discharge the duties thereof until the next
34 meeting of the Senate, when the Governor shall nominate some person to fill such office.

35 (2) If the office of State Auditor, State Treasurer, or Attorney General be vacated by
36 death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by
37 appointment, from the same political party as the removed person; and the appointee shall hold
38 office until a successor shall be elected and qualified, as provided by law.

39 (3) (a) A vacancy in the office of Lieutenant Governor occurs when:

40 (i) the Lieutenant Governor dies, resigns, is removed from office following
41 impeachment, becomes Governor under Article VII, Section 11, ceases to reside within the
42 State, or is determined, as provided in Subsection (3)(b), to have a disability that renders the
43 Lieutenant Governor unable to discharge the duties of office for the remainder of the
44 Lieutenant Governor's term of office; or

45 (ii) the Lieutenant Governor-elect fails to take office because of the Lieutenant
46 Governor-elect's death, failure to qualify for office, or disability, determined as provided in
47 Subsection (3)(b), that renders the Lieutenant Governor-elect unable to discharge the duties of
48 office for the Lieutenant Governor-elect's full term of office.

49 (b) (i) Except when the disability of a Lieutenant Governor is determined under Article
50 VII, Section 11, Subsection (6) because the Lieutenant Governor is acting as Governor under
51 Article VII, Section 11, Subsection (5), the disability of a Lieutenant Governor or Lieutenant
52 Governor-elect shall be determined by a written declaration stating that the Lieutenant
53 Governor or Lieutenant Governor-elect is unable to discharge the powers and duties of the
54 office.

55 (ii) The written declaration under Subsection (3)(b)(i) shall be transmitted to the
56 Supreme Court and shall be signed by:

57 (A) the Governor; or

58 (B) (I) the Lieutenant Governor, if the Lieutenant Governor is the subject of the

59 declaration; or

60 (II) the Lieutenant Governor-elect, if the Lieutenant Governor-elect is the subject of the
61 declaration.

62 (iii) If the Lieutenant Governor or Lieutenant Governor-elect, as the case may be,
63 disputes a declaration transmitted by the Governor under Subsection (3)(b)(i), the Lieutenant
64 Governor or Lieutenant Governor-elect may, within ten days after the declaration is transmitted
65 to the Supreme Court, file a petition requesting the Supreme Court to determine whether a
66 disability exists as stated in the Governor's declaration.

67 (iv) In determining whether a disability exists, the Supreme Court shall follow
68 procedures that the Court establishes, unless the Legislature by statute establishes procedures
69 for the Supreme Court to follow in determining whether a disability exists.

70 (v) A determination of disability under this Subsection (3)(b) is final and conclusive.

71 (c) (i) If a vacancy in the office of Lieutenant Governor occurs, the Governor shall,
72 with the consent of the Senate, appoint a person as Lieutenant Governor, to serve:

73 [~~(A) except as provided in Subsection (3)(c)(i)(B), the remainder of the unexpired~~
74 ~~term; or]~~

75 [~~(B)~~] (A) until the first Monday in January of the year following the next regular
76 general election after the vacancy occurs, if the vacancy occurs [because the Lieutenant
77 Governor becomes Governor under Article VII, Section 11, Subsection (2):] during the first
78 year of the term of office; or

79 (B) for the remainder of the unexpired term, if the vacancy occurs after the first year of
80 the term of office.

81 (ii) The person appointed as Lieutenant Governor under Subsection (3)(c)(i) shall be
82 from the same political party as the Governor.

83 (iii) Neither the President of the Senate nor the Speaker of the House of
84 Representatives may, while acting as Governor under Article VII, Section 11, Subsection [~~(4)~~]
85 (5), appoint a person as Lieutenant Governor to fill a vacancy in that office.

86 Section 2. **Submittal to voters.**

87 The lieutenant governor is directed to submit this proposed amendment to the voters of
88 the state at the next regular general election in the manner provided by law.

89 Section 3. **Effective date.**

90 If the amendment proposed by this joint resolution is approved by a majority of those
91 voting on it at the next regular general election, the amendment shall take effect on January 1,
92 2015.

Legislative Review Note
as of 10-23-13 12:22 PM

Office of Legislative Research and General Counsel